

Part II: Q&A

1. For OMB scorecard reporting, will agencies report Quarterly Fiscal Year green purchasing data to assess 95% compliance, and use the annual sustainability plan to report this information instead of a separate OFPP/OFEE data call?

A: Yes. Agencies should review at least 5% of their Q1 and Q2 contract actions for the July scorecard and 5% of their Q3 and Q4 contract actions for the January scorecard. That way, contract actions from the entire year will be reviewed and agencies will have data for inclusion in their annual Strategic Sustainability Performance Plans.

Also, the scorecard progress report submitted with sustainability plans in June should be a final report. Beginning in January 2012, OMB and CEQ are aligning the dates for submitting Scorecard information consistent with GHG reporting (end of January) and sustainability plans (end of June) for FY11 reporting and beyond.

2. From the list below, what “types of contract actions” should be reviewed by the agencies to assess 95% green purchasing compliance?

- a. New contracts issued in the previous two quarters, including BPAs
- b. Solicitations for new contracts, even if expected award will be in subsequent quarter
- c. Modifications to existing contracts to add green product requirements
- d. Task orders under existing multi-year contracts
- e. Indefinite Delivery Indefinite Quantity (IDIQ) contracts or orders
- f. Multiple Award Contracts
- g. Multiple Award Schedules
- h. Any other categories?

A: All of these contract actions are reviewable contract actions, if relevant to the agency. In addition, small agencies whose contract actions are primarily purchase card purchases may review those purchases. Large agencies do not need to focus reviews on purchase card transactions. (However, they can include them periodically or focus on them every few years to ensure compliance.)

3. Can contracts for the purchase only of EPEAT-registered products be included in the 5% to be reviewed?

A: Yes, if an action is a new contract. No, if the contract action is an order against an existing contract vehicle (e.g., an IDIQ or a delivery order against a GSA schedule).

4. Can agencies categorically exclude certain types of contracts, such as purchases of medications or other deliverables for which the agency has determined green purchasing requirements do not apply?

A: Yes

5. Should contracts for consulting services, training, and R&D, where the only potential green product is the paper used to print and copy deliverables, be excluded?

A: Each agency can determine whether to include or exclude these types of contracts.

6. May agencies include purchase card purchases?

A: Each agency may determine whether to include purchase card transactions. As noted above, large agencies should focus on contract compliance over purchase card transactions. NOTE: If purchase card transactions are reviewed, the total number of such transactions must be added to the denominator before the 5% of contract actions is calculated.

7. If agencies do not include purchase cards, should they include in the reviews certain items that are commonly purchased with purchase cards and that should be green, such as office supplies?

A: Each agency may determine whether to include or exclude them. Periodic reviews of purchase card transactions could be included to ensure compliance.

8. Should agencies select randomly from the list of contract actions listed in #2 above or should they select from each one of the categories for review?

A: For an overall review, a mix of contract actions is best, but each agency may select one or two types of contract types, green product type or service types on which to focus its annual reviews. Agencies should determine which areas of focus make the most sense based on its past reviews, strengths, weaknesses and corrective actions identified.

9. Should agencies set a dollar threshold for the contracts to be reviewed? or a purchase card dollar threshold?

A: Agencies may set a threshold but it should be noted that high thresholds could result in missing contract actions that could potentially include green product requirements.

10. What is the definition of “applicable contract actions” to use? Is the list below complete enough to satisfy the definition?

a. Purchases of the products specified in E.O. 13514:

- i. EPA-designated recycled content products (CPG items)
- ii. EPEAT-registered products (*Note: Already reported under Electronics Stewardship in Sustainability Plans*)

- iii. Energy Star or FEMP-designated energy efficient products and appliances
(*Note: Some of these products are reported under Electronics Stewardship in Sustainability Plans*)
- iv. USDA-designated biobased products (BioPreferred items)
- v. Environmentally preferable products
- vi. WaterSense or other water efficient products
- vii. Products containing non- or lower ozone depleting substances (SNAP)
- viii. Products containing no or low toxic or hazardous constituents (e.g., non- VOC paint)

b. Services contracts under which green products will be supplied or used; additional information on service contracts can be found in the October 5, 2011 OFPP memorandum on Improving Sustainable Acquisition and Reporting at http://www.whitehouse.gov/sites/default/files/omb/assets/procurement_green/improving-sustainable-acquisition-and-reporting.pdf.

11. Should agencies select randomly from the list referenced above or should they select from each one of the categories for review?

A:, As long as reviews vary and increase the types of services reviewed from year to year agencies have flexibility and discretion in what is reviewed.

12. Is the inclusion of FAR clauses or Scope of Work language sufficient to count a contract as compliant?

A: For the contract action review due with the January 2012 scorecard and 2012 Sustainability Plans, it is acceptable for a contract action to contain either the applicable FAR clauses or green requirements in the scope of work or both. Beginning with FY 2012 contract action reviews, contract actions **must** contain both SOW requirements and applicable FAR clauses. Additionally, agencies must add monitoring for green requirements to their post award procedures. Where shortcomings are identified, agencies must also include corrective actions for the review period. The ultimate goal is to ensure compliance with the sustainable acquisition requirements.

13. May agencies selectively pick compliant contracts for the 5% review or must they be selected randomly?

A: Consistent with existing OMB guidance on data quality and to help agencies identify compliance with the 95% goal for sustainable acquisition, agencies should randomly review contract actions for compliance. To provide agencies maximum flexibility, agencies may, as part of their reviews, choose to focus their sample on alternating field offices/bureaus, specific green products or service contracts, or actions across an entire agency.

14. Should the 5% of contract actions reviewed include only large contracts – representing a larger impact on the marketplace?

A: An agency may determine to review only large contracts as long as those contracts are “applicable” and contain green product requirements.

15. What are the requirements, if any, for services contracts under which designated products will not be supplied or used? We enter into many types of services contracts under which we are acquiring information (e.g., R&D, studies, training) or technical support (e.g., meeting planning services, doctor's services, assessments of various types). Are these "applicable" contracts? What do we do about deliverables, including invoices, financial reports, technical progress reports, and technical reports? Under the basic tenets of waste prevention, which go back at least to the Clinton Administration, we should be minimizing paper use and requiring electronic submittals. If we do receive any type of paper deliverable, we should require the contractor to print or copy double-sided on 30% postconsumer recycled content paper.

A: The use of paper in these types of contracts is incidental to the purpose of the contract. Each agency may determine whether to require deliverables to be printed and copied double-sided on 30% postconsumer fiber paper.

16. Will the new changes to FPDS help with tracking and reporting purchases of green products?

A: Beginning with FY 2012, agencies will record environmental attributes in data element 8L, —Recovered Materials/Environmental Attributes. This data element has been expanded to include energy efficient products, biobased products, and environmentally preferable products. According to the Product Service Code Manual: “Environmentally preferable includes categories such as EPEAT registered, water efficient, Significant New Alternatives Program (SNAP)/non-ozone depleting, recovered content, and environmentally preferable products/services (EPA designated).Environmentally preferable also includes building-related or facilities-related services which are associated with —green industry standards and certifications, such as the US Green Building Council’s (USGBC) Leadership in Energy and Environmental Design (LEED) certification. Environmentally preferable excludes products or services that are predominately biobased or energy-efficient as these two categories are defined in the Products and Services Code Manual.

Other Outstanding Issues:

1. Should agencies use a formal statistical sampling protocol instead of the 5% random sampling approach?

A: At this time, each agency must describe [in its Sustainability Plan, Affirmative Procurement Plan and/or Green Purchasing Plan] its own methodology for continuous review and monitoring of 5% of applicable contract actions quarterly and its plans for future reviews and needed corrective action(s). If agencies are interested in additional information on sampling contracts, the guidance provided to agencies by OFPP for the

annual verification and validation of acquisition data could serve as a guide. This information is available at:

http://www.whitehouse.gov/omb/procurement_index_pro_data/ or
<https://max.omb.gov/community/x/j460IQ>

2. Is it sufficient for a contract to have a green product requirement to achieve green purchasing compliance or should we also audit the actual receipt of the green product(s) specified in the contract?

A: Although it has been sufficient until now for a contract action to contain green product requirements to demonstrate compliance, some agencies already have fully compliant affirmative procurement (or green purchasing) programs in place which address green requirements in contracts, monitor or audit for actual receipt of green products, identify corrective actions where needed and provide necessary staff training. A full compliance program is what all agencies should strive to achieve or plan for within their annual Sustainability Plans.

Other:

1. If a contract action has no green product requirement but green products are delivered, the contract action counts toward the 5%. However, the agency must take corrective action to assure that the green product requirements are included in the future.
2. When addressing corrective actions, an agency may address its six-month planned action(s) for categories of contract actions rather than corrective actions for each individual non-compliant contract.